

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

**In re: AVANDIA MARKETING, x
SALES PRACTICES and x MDL 1871
PRODUCTS LIABILITY LITIGATION x 2:07-md-01871-CMR
x HON. CYNTHIA M. RUGE
This Document Relates to All Actions x**

**APPLICATION BY DAVID P. MATTHEWS
FOR APPOINTMENT TO THE PLAINTIFFS' STEERING COMMITTEE**

David P. Matthews ("Applicant") respectfully files this Application to be included in the appointment of the Plaintiffs' Steering Committee ("PSC").

INTRODUCTION

1. The Court has before it the Plaintiffs' Joint Request for Appointment of Interim Lead Counsel, Liaison Counsel and Plaintiffs' Steering committee, and for entry of Case Management Order No. 1 (Document 2, filed November 5, 2007), wherein Vance R. Andrus, W. Mark Lanier and Bryan Aylstock are proposed as Co-Lead Counsel; Thomas Mellon is proposed as Liaison Counsel; and Joseph Zonies, Paul Sizemore, Karen Barth Menzies, Benedict Morelli, Fred Thompson III, Rachel Abrams, Thomas Cartmell, Charles S. (Bucky) Zimmerman, Samuel W. Lanham Jr., Lowell Finson and Marc D. Grossman are proposed as members of the Plaintiffs' Steering Committee.

2. The original request for appointment of interim lead counsel, liaison counsel and Plaintiffs' Steering Committee has been amended, and an amended (proposed) case

management order submitted (Document 5, filed on November 13, 2007). Under that proposal, Michael J. Miller would join Attorneys Aylstock, Lanier and Andrus as Co-Lead Counsel; Thomas Mellon would serve as Liaison Counsel and those listed above, together with Michael J. Miller, would serve as the Plaintiffs' Steering Committee.

3. Applicant adopts by reference the reasoning and information set forth in the Plaintiffs' Joint Request for these appointments as fully as though set forth herein.

QUALIFICATIONS of APPLICANT

4. Applicant has had the opportunity to work with nearly all of those proposed for membership to the Plaintiffs' Steering Committee in other litigation.

5. Applicant would be honored to join this distinguished body of attorneys in serving on this PSC.

6. Applicant has spoken with Bryan Aylstock and Rick Meadows of the offices of Mark Lanier, and both have invited him to join the PSC.

7. Applicant meets all of these criteria:

- a) He is qualified and responsible;
- b) He will act fairly, efficiently and economically in the interests of all parties and parties' counsel;
- c) He will fulfill his obligations in a manner that will foster and sustain good working relations among fellow counsel and with the Court.

8. Applicant has represented thousands of clients in pharmaceutical products liability MDLs and has served in various leadership capacities and committees in those MDLs, including the Texas State Vioxx MDL where he served on the PSC and was also appointed to create and maintain the State Depository of Records produced by that pharmaceutical defendant and other records, the state Baycol MDL, the Federal Zyprexa MDL, and others.

9. David Matthews is licensed in New York, Mississippi and Texas, where he is Board Certified in Personal Injury Trial Law. He is A-V rated in Martindale-Hubbell and has tried more than 100 cases to verdict .

10. He presently represents over 250 Avandia claimants from more than 20 different states and Puerto Rico.

11. He previously handled the largest Rezulin docket in the country. He is as familiar with the class of glitazone drugs as any lawyer in the country. In the Rezulin litigation, he hired multiple experts, epidemiologists, pharmacologists, internists and others essential to building a solid case against this glitazone. All of these experts and other previous contacts will be available to assist in the Avandia litigation.

12. He and his staff are uniquely qualified and experienced to address the complex matters in pharmaceutical litigation such as this, including but not limited to the analysis of submissions made to the FDA and other regulatory authorities, effective discovery to the

Defendant(s) and deposing liability fact witnesses and experts.

13. He is familiar with the Manual for Complex Litigation.

14. He has already completed substantial work in the Avandia litigation, meeting with medical and pharmaceutical experts and other specialists, as well as numerous other attorneys involved in the Avandia litigation.

15. He is willing, able and available to commit the necessary time and financial resources to this worthy project.

CONCLUSION

David P. Matthews respectfully requests that he be appointed to serve on the Plaintiffs' Steering Committee, together with those previously proposed.

Dated: February 1st, 2008.

Respectfully submitted,

s/David P. Matthews

David P. Matthews
MATTHEWS & ASSOCIATES
2905 Sackett Street
Houston Tx 77098
713 222 8080
713 535 7184 (facsimile)
dmatthews@thematthewslawfirm.com
also to rmatthews@thematthewslawfirm.com

Certificate of Service

The foregoing Application, together with its attachment, has been filed electronically and is available for viewing and dowloading from the ECF System. A true and complete copy of same has also been served upon each counsel of record as reflected in the Court's docket sheet as of February 1st, 2008 by either electronic service, facsimile or Certified mail/ return receipt requested.

s/David P. Matthews